

Course Syllabus

Philosophy 91/191: Transformative Justice
Fall Semester 2021
Professor Erin Kelly
Phone: 617-627-2849 (office)

MW 10:30-11:45am
Office Hours: Wed. 12-1pm
and by appointment

Throughout the course we will work together to fill out a notion of transformative justice that addresses the ethics of criminal justice in connection with both individual wrongdoing and social injustice. After an overview of the problem of excessive punishment in the United States, we will begin by consulting the literature on *transitional justice*—which is largely focused on post-conflict societies elsewhere in the world—with attention to proposed alternatives to punitive responses in the wake of mass violence. Then we will turn to the American decarceration movement and its abolitionist philosophy and examine alternatives to criminal punishment, in the form of restorative justice, community-based justice, and the call for reparations in response to the historical injustice experienced by Black Americans.

Readings:

Carol Anderson, *White Rage* (New York: Bloomsbury, 2017)
Colleen Murphy, *Conceptual Foundations of Transitional Justice* (Cambridge: Cambridge Univ. Press, 2017)
Other readings are available on the course Canvas site: <https://canvas.tufts.edu/courses/31422>.

Introduction: Criminal Punishment in the United States

- 9/8 Bruce Western, *On Mass Incarceration*, The Atlantic Video (2015)
- 9/13 Paul Butler, “The System is Working the Way it is Supposed to,” pp. 75-113.
Khalil Muhammad, “Introduction: The Mismeasure of Crime,” *The Condemnation of Blackness*, pp. 1-14.
- 9/15 Erin I. Kelly, *The Limits of Blame: Rethinking Punishment and Responsibility*, Chapter Six, pp. 149-177.

Transitional Justice: Concepts and Frameworks

- 9/20 Colleen Murphy, *Conceptual Foundations of Transitional Justice*, Ch. 1 (pp. 40-66)
Steve Biko, “Black Consciousness and the Quest for a True Humanity”
- 9/22 Murphy, *Conceptual Foundations of Transitional Justice*, Ch. 1 (pp. 66-82)
Martin Luther King “Where We Are,” *Where Do We Go from Here: Chaos or Community?*
- 9/27 Murphy, *Conceptual Foundations of Transitional Justice*, Ch 2 (pp. 83-118)
Desmond Tutu, “No Future without Forgiveness”

9/29 Lucy Allais, “Restorative Justice, Retributive Justice, and the South African Truth and Reconciliation Commission”

10/4 Margaret Urban Walker, “Making Reparations Possible”

Forgiveness and Reconciliation in Rwanda

10/6 Timothy Longman, “Rewriting History in Post-Genocide Rwanda,” *Memory and Justice in Post-Genocide Rwanda*, Ch 2 (pp. 33-64)
BBC report, 4 April, 2019. [“Rwanda Genocide: 100 Days of Slaughter”](#)

10/8 First paper due

10/11 no class

10/13 Murphy, *Conceptual Foundations of Transitional Justice*, Ch 3 (pp. 119-139)
Laura Blackie and Nicki Hitchcott, “I am Rwandan: Unity and Reconciliation in Post-Genocide Rwanda”

10/18 Pamela Hieronymi, “An Uncompromising Forgiveness”

10/20 Murphy, *Conceptual Foundations of Transitional Justice*, Ch 3 (pp. 139-159)
Timothy Longman, “Rewriting History in Post-Genocide Rwanda,” *Memory and Justice in Post-Genocide Rwanda*, Ch 8 (pp. 271-309)

10/25 Mahmood Mamdani, “Justice without Reconciliation”

Democracy and the Legacy of Slavery in the United States

10/27 John Rawls, *Justice as Fairness: A Restatement*, pp. 1-14.
Carol Anderson, *White Rage*, Ch. 1, “Reconstructing Reconstruction”

11/1 Rawls, *Justice as Fairness*, pp. 14-34.
Carol Anderson, *White Rage*, Ch. 3, “Burning Brown to the Ground”

11/3 Charles Mills, “Racial Liberalism”
Carol Anderson, *White Rage*, Ch. 4, “Rolling Back Civil Rights”

11/8 James Q. Whitman, “A Plea Against Retributivism”

11/10 Second paper due

Abolitionist Responses to Mass Incarceration and Police Violence

11/10 Ruth Gilmore Makes the Case for Abolition, *The Intercept*, June 10, 2020.
Angela Davis, *Are Prisons Obsolete?*, Chs. 1-2
Miriame Kaba, “So You’re Thinking About Becoming an Abolitionist”

11/15 Laurence Ralph, "Charging Genocide," *The Torture Letters: Reckoning with Police Violence*, Prologue and Part III

Restorative Justice

11/17 Angela Davis, *Are Prisons Obsolete?*, Ch. 6.
LydiaLyle Gibson, "Restoring Justice"

11/22 Danielle Sered, *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*, Ch. 3 (pp. 91-128)

11/29 Danielle Sered, *Until We Reckon*, Ch. 4 (pp. 129-157)
Albert Dzur, "Trench Democracy in Criminal Justice: An Interview with Lauren Abramson," *The Boston Review*, Dec. 13, 2013

Reparations for Black Americans

12/1 Bernard Boxill, "Black Reparations"

12/6 Ta-Nahisi Coates, "The Case for Reparations"

12/8 Alfred L. Brophy, "The Culture War over Reparations for Slavery"

12/13 Kirsten Mullen and William A. Darity, "A Program of Black Reparations," *From Here to Equality: Reparations for Black Americans in the Twenty-First Century*, Ch. 13 (pp. 256-270)

12/20 **Final Paper due**

Course Requirements

Class attendance and participation

Phil 91 students: Three short papers (6-7 pages each)

Phil 191 students: One shorter paper (6-7 pages) and one longer paper (12-15 pages)

Course Policies

Late papers may be marked down if the lateness is unexcused.

Incompletes will be granted only in special circumstances and provided that you make your request before the last paper is due.

Learning Objectives. In this course you will learn:

1. How to think abstractly and concretely about the nature of law, the basic elements of criminal law, and the relationship between law and morality.
2. How to read and analyze legal cases.
3. How to read, analyze, and articulate arguments and viewpoints in primary philosophical texts and the writings of legal theorists.

4. How to produce a cogent argument and express it clearly, both in writing and orally.
5. How to identify the substance and structure of an argument and evaluate it for soundness and validity.
6. How to anticipate objections to one's views, apply the principle of charity to others' opinions, and address objections and competing views effectively and respectfully in discussion and writing.
7. How to develop and defend one's own position with respect to problems that have occupied both historical and contemporary philosophers of law.